

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 15-20694

v.

Judith E. Levy

United States District Judge

Terry Mclemore,

Mag. Judge R. Steven Whalen

Defendant.

_____/

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S
MOTION FOR COMPASSIONATE RELEASE [127]**

This case is before the Court on Defendant's October 6, 2020¹ motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). (ECF No. 127.) Defendant's motion did not indicate whether he had applied for compassionate release from the Bureau of Prisons (BOP), and if so, whether 30 days had elapsed since the request or whether he had been denied and then fully exhausted his administrative appeals. The Court may not consider compassionate release motions unless Defendant

¹ Received and docketed on October 16, 2020.

meets one of these two statutory conditions. *United States v. Alam*, No. 20-1298, 2020 WL 2845694, at *5 (6th Cir. June 2, 2020).

The Court understands from the United States' October 21, 2020 response that BOP received from Defendant a Request for Reduction in Sentence on September 28, 2020. (ECF No. 128.) Under *Alam*, the Court must nevertheless deny Defendant's motion as premature absent confirmation that BOP has already denied Defendant's request, or alternatively, that thirty days has elapsed without a response. 2020 WL 2845694, at *5.

Accordingly, Defendant's motion is DENIED WITHOUT PREJUDICE. Defendant may renew his motion after he either exhausts his administrative remedies through the Bureau, or after he applies for release and 30 days elapse without a Bureau response.

IT IS SO ORDERED.

Dated: October 22, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 22, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager